

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ANTONIO F. SILVEYRA,

Petitioner,

vs.  
PEOPLE OF THE STATE OF  
CALIFORNIA,

Respondent.

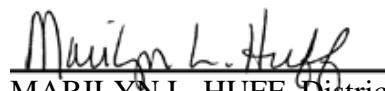
CASE NO. 08-CV-0018 H (NLS)

**ORDER DISMISSING CASE  
WITHOUT PREJUDICE**

Petitioner Antonio F. Silveyra, a detainee in the custody of the Department of Homeland Security, Bureau of Immigration and Customs Enforcement, proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, but has not paid the \$5.00 filing fee and has not moved to proceed in forma pauperis. (Doc. No. 1.) A petition for writ of habeas corpus must be accompanied by either a \$5.00 filing fee or an application to proceed in forma pauperis. See Local Rule 3(a), 28 U.S.C. § 2254. The case is therefore dismissed without prejudice. If Petitioner wishes to proceed he must submit a copy of this Order with the \$5.00 fee or adequate proof he cannot pay the fee **no later than March 11, 2008**. For Petitioner's convenience a blank request to proceed in forma pauperis form is included with this Order.

IT IS SO ORDERED.

DATED: January 9, 2008

  
MARILYN L. HUFF, District Judge  
UNITED STATES DISTRICT COURT